

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 327

Introduced by Stuhr, 24

Read first time January 12, 1999

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-810 and
2 32-813, Reissue Revised Statutes of Nebraska; to change
3 the order of offices and issues on the statewide primary
4 and general election ballots; to harmonize provisions;
5 and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-810, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-810. (1) The election commissioner or county clerk
4 shall place the names of all partisan candidates certified to him
5 or her by the Secretary of State and of those partisan candidates
6 filing in his or her office on a primary election ballot headed
7 with the political party designation. The names of each
8 nonpartisan candidate certified by the Secretary of State and of
9 each nonpartisan candidate filing in the office of the election
10 commissioner or county clerk shall be placed on the primary
11 election ballot headed by the words Nonpartisan Ticket.

12 (2) If any office is not subject to the upcoming
13 election, the office shall be omitted from the ballot and the
14 remaining offices shall move up so that the same relative order is
15 preserved. The order of any offices may be altered to allow for
16 the best utilization of ballot space in order to avoid printing a
17 second ballot when one ballot would be sufficient if a punch card
18 or optical-scan ballot is used. All proposals on the ballot shall
19 remain separate from the offices, and the proposals shall follow
20 all offices on the ballot.

21 (3) The election commissioner or county clerk shall
22 follow the order of precincts or wards as set out in the official
23 abstract book on file in his or her office in preparing the
24 official ballots. At the primary election, on the first set of
25 ballots for the first precinct or ward shall be the names of
26 candidates filing by date and hour as certified by the Secretary of
27 State and for local candidates the names of candidates shall be
28 listed in the order of filing by date and hour with the election

1 commissioner or county clerk. When there are more candidates than
2 vacancies for the same office, the names of all partisan and
3 nonpartisan candidates at a primary election shall be rotated
4 precinct by precinct in each office division in the order in which
5 the precincts are set out in the official abstract book. In making
6 the changes of position, the printer shall take the line of type at
7 the head of each office division and place it at the bottom of that
8 division, shoving up the column so that the name that was second
9 shall be first after the change.

10 Sec. 2. Section 32-813, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-813. (1) The names of all candidates and all
13 proposals to be voted upon at the general election shall be
14 arranged upon the ballot in parts separated from each other by bold
15 lines in the order the offices and proposals are set forth in this
16 section. If any office is not subject to the upcoming election,
17 the office shall be omitted from the ballot and the remaining
18 offices shall move up so that the same relative order is preserved.
19 The order of any offices may be altered to allow for the best
20 utilization of ballot space in order to avoid printing a second
21 ballot when one ballot would be sufficient if a punch card or
22 optical-scan ballot is used. All proposals on the ballot shall
23 remain separate from the offices, and the proposals shall follow
24 all offices on the ballot.

25 (2) ~~All proposals submitted by initiative or referendum~~
26 ~~and proposals for constitutional amendments shall be placed on a~~
27 ~~separate ballot when a paper ballot is used which requires that the~~
28 ~~ballot after being voted be folded before being deposited in a~~

1 ballot box. When a punch card or optical-scan ballot is used which
2 requires a ballot envelope, jacket, or sleeve in which the ballot
3 after being voted is placed before being deposited in a ballot box,
4 initiative or referendum proposals and constitutional amendments
5 may be placed on either side of the ballot and shall be separated
6 from other offices or issues by a bold line. Initiative or
7 referendum proposals and constitutional amendments so arranged
8 shall constitute a separate ballot. Proposals for constitutional
9 amendments proposed by the Legislature shall be placed on the
10 ballot as provided in sections 49-201 to 49-211.

11 ~~(3)~~ If the election is in a year in which a President of
12 the United States is to be elected, the names and spaces for voting
13 for candidates for President and Vice President shall be entitled
14 Presidential Ticket in boldface type. The names of candidates for
15 President and Vice President for each political party shall be
16 grouped together, and each group shall be enclosed with brackets
17 with the political party name to the right and one square or oval
18 to the left in which the voter indicates his or her choice. The
19 names of candidates for President and Vice President who have
20 successfully petitioned on the ballot for the general election
21 shall be grouped together with the candidates appearing on the same
22 petition being grouped together, and each group shall be enclosed
23 with brackets with the words "By Petition" to the right and one
24 square or oval to the left in which the voter indicates his or her
25 choice.

26 ~~(4)~~ (3) The names and spaces for voting for candidates
27 for United States Senator if any are to be elected shall be
28 entitled United States Senatorial Ticket in boldface type.

1 ~~(5)~~ (4) The names and spaces for voting for candidates
2 for Representatives in Congress shall be entitled Congressional
3 Ticket in boldface type. Above the candidates' names, the office
4 shall be designated For Representative in Congress District.

5 ~~(6)~~ (5) The names and spaces for voting for candidates
6 for the various state officers shall be entitled State Ticket in
7 boldface type. Each set of candidates shall be separated by lines
8 across the column, and above each set of candidates shall be
9 designated the office for which they are candidates, arranged in
10 the order prescribed by the Secretary of State. The candidates for
11 Governor and Lieutenant Governor of each political party receiving
12 the highest number of votes in the primary election shall be
13 grouped together. Each group shall be enclosed with brackets with
14 the political party name to the right and one square or oval to the
15 left in which the voter indicates his or her choice for Governor
16 and Lieutenant Governor jointly. The candidates for Governor and
17 Lieutenant Governor who have successfully petitioned on the general
18 election ballot shall be grouped together with the candidates
19 appearing on the same petition being grouped together. Each group
20 shall be enclosed with brackets with the words "By Petition" to the
21 right and one square or oval to the left in which the voter
22 indicates his or her choice for Governor and Lieutenant Governor
23 jointly. Beneath the names of the candidates for Governor and
24 Lieutenant Governor nominated at a primary election by political
25 party and beneath the names of all candidates for Governor and
26 Lieutenant Governor placed on the general election ballot by
27 petition, two write-in lines shall be provided in which the
28 registered voter may write the names of the candidates of his or

1 her choice. The lines shall be enclosed with the brackets with one
2 square or oval to the left in which the registered voter shall mark
3 his or her choice. The name appearing on the top line shall be
4 considered to be the candidate for Governor, and the name appearing
5 on the second line shall be considered to be the candidate for
6 Lieutenant Governor.

7 ~~(7)~~ (6) The names and spaces for voting for nonpartisan
8 candidates shall be entitled Nonpartisan Ticket in boldface type.
9 The names of all nonpartisan candidates shall appear in the order
10 listed in this subsection, except that when using a punch card or
11 optical-scan ballot, the order of offices may be altered to allow
12 for the best utilization of ballot space to avoid printing a second
13 ballot when one ballot would be sufficient:

- 14 (a) Legislature;
- 15 (b) State Board of Education;
- 16 (c) Board of Regents of the University of Nebraska;
- 17 (d) Chief Justice of the Supreme Court;
- 18 (e) Judge of the Supreme Court;
- 19 (f) Judge of the Court of Appeals;
- 20 (g) Judge of the Nebraska Workers' Compensation Court;
- 21 (h) Judge of the District Court;
- 22 (i) Judge of the Separate Juvenile Court;
- 23 (j) Judge of the County Court; and
- 24 (k) County officers in the order prescribed by the
25 election commissioner or county clerk.

26 ~~(8)~~ (7) The names and spaces for voting for the various
27 county offices and for measures submitted to the county vote only
28 or in only a part of the county shall be entitled County Ticket in

1 boldface type. If the election commissioner or county clerk deems
2 it advisable, the measures may be submitted on a separate ballot if
3 using a paper ballot or on either side of a punch card or
4 optical-scan ballot if the ballot is placed in a ballot envelope,
5 jacket, or sleeve before being deposited in a ballot box.

6 ~~(9)~~ (8) The candidates for office in the precinct only or
7 in the city or village only shall be printed on the ballot, except
8 that if the election commissioner or county clerk deems it
9 advisable, candidates for these offices may be submitted on a
10 separate ballot if using a paper ballot or on either side of a
11 punch card or optical-scan ballot if the ballot is placed in a
12 ballot envelope, jacket, or sleeve before being deposited in a
13 ballot box.

14 (9) All proposals submitted by initiative or referendum
15 and proposals for constitutional amendments shall be placed on a
16 separate ballot when a paper ballot is used which requires that the
17 ballot after being voted be folded before being deposited in a
18 ballot box. When a punch card or optical-scan ballot is used which
19 requires a ballot envelope, jacket, or sleeve in which the ballot
20 after being voted is placed before being deposited in a ballot box,
21 initiative or referendum proposals and proposals for constitutional
22 amendments may be placed on either side of the ballot, shall be
23 separated by a bold line, and shall follow all other offices placed
24 on the same side of the ballot. Initiative or referendum proposals
25 and constitutional amendments so arranged shall constitute a
26 separate ballot. Proposals for constitutional amendments proposed
27 by the Legislature shall be placed on the ballot as provided in
28 sections 49-201 to 49-211.

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1 Sec. 3. Original sections 32-810 and 32-813, Reissue
2 Revised Statutes of Nebraska, are repealed.